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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DISTRICT

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on
behalf of S.M., a minor,

Plaintiffs,

v.

MARK DANNELES, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE,
SEAN SANBORN, ERIC
SCHWENNINGER, RICHARD WALTER,
CHRIS WEBLEY, ANTHONY
WETMORE, KATHY WILCOX, CRAIG
ZANNI, DAVID ZAVALA, JOEL D.
SHAPIRO AS ADMINISTRATOR OF
THE ESTATE OF DAVID E. HALL,
VIDOCQ SOCIETY, CITY OF
COQUILLE, CITY OF COOS BAY, and
COOS COUNTY,

Defendants.

Civil No. 6:20-cv-01163-MK

DECLARATION OF ERIC S. DEFREEST
IN SUPPORT OF DEFENDANT
RICHARD WALTER'S MOTION FOR
SUMMARY JUDGMENT

1 I, Eric S. DeFreest, hereby declare as follows:

2 1. I am one of the attorneys for defendant Richard Walter in the above-captioned
3 proceeding and I make this declaration of my own personal knowledge and/or based upon my
4 review of the records in this matter. On January 20, 2025, I conferred by telephone with Janis
5 Puracal regarding disputed issues and planned motion for summary judgment, but the disputed
6 issues remain for consideration by the court.

7 2. Attached hereto as Exhibit 1 are true and accurate copies of excerpts and exhibits
8 taken from the transcript Robert Paul Frasier's deposition taken on August 29, 2023.

9 3. Attached hereto as Exhibit 2 are true and accurate copies of excerpts taken from
10 the transcript of the trial held in *State of Oregon v. McGuffin*; Coos County, Case No. 10CR0782
11 in July 2011.

12 4. Attached hereto as Exhibit 3 are true and accurate copies of excerpts and exhibits
13 taken from the transcript of Police Chief Mark Dannels' deposition taken on September 1, 2023.

14 5. Attached hereto as Exhibit 4 are true and accurate copies of excerpts and exhibits
15 taken from the transcript of Barbara Cohan-Saavedra's deposition taken on February 14, 2024.

16 6. Attached hereto as Exhibit 5 are true and accurate copies of excerpts taken from
17 the transcript of Adam Bercovici's deposition taken on November 11, 2024.

18 7. Attached hereto as Exhibit 6 are true and accurate copies of excerpts taken from
19 the transcript of Richard Walter's deposition taken on June 30, 2022.

20 8. I ask the court to take judicial notice of the scanned file materials in *State of*
21 *Oregon v. Nicholas James McGuffin*; Coos County Case No. 10CR0782 marked as "converted
22 case docs" on OJIN.

23 9. Attached hereto as Exhibit 7 are true and accurate copies of excerpts taken from
24 the transcript of S.M.'s deposition taken on July 17, 2023.

25 10. I ask the court to take judicial notice to the Post Conviction Relief case on OJIN
26 filed as *McGuffin v. Nooth*; Malheur County, Case No. 15CV1030.

1 11. Attached hereto as Exhibit 8 is a true and accurate copy of the Third Amended
2 Petition for Post-Conviction Relief filed in *McGuffin v. Nooth*, Malheur County, Case No.
3 15CV1030 on May 25, 2018.

4 12. Attached hereto as Exhibit 9 is a true and accurate copy of an excerpt taken from
5 Petitioner McGuffin's Opposition to State's Motion for Partial Summary Judgment filed in
6 *McGuffin v. Nooth*, Malheur County, Case No. 15CV1030 on March 21, 2019.

7 13. Attached hereto as Exhibit 10 is a true and accurate copy of the Fourth Amended
8 Petition for Post-Conviction Relief filed in *McGuffin v. Nooth*, Malheur County, Case No.
9 15CV1030 on March 22, 2019.

10 14. Attached hereto as Exhibit 11 is a true and accurate copy of excerpts taken from
11 the General Judgment in *McGuffin v. Nooth*, Malheur County, Case No. 15CV1030, signed on
12 November 26, 2019.

13 15. Attached hereto as Exhibit 12 is a true and accurate copy of excerpts taken from
14 the Fifth Amended Petition for Post-Conviction Relief filed in *McGuffin v. Nooth*, Malheur
15 County, Case No. 15CV1030 on June 21, 2019.

16 16. Attached hereto as Exhibit 13 is a true and accurate copy of Plaintiffs' Response
17 to Defendant Vidocq Society's First Set of Requests for Admission dated September 30, 2024.

18 **I declare under penalty of perjury that the foregoing is true and correct.**

19 DATED this 21st day of January, 2025.

20 LUVAAS COBB

21
22 By: /s/ Eric S. DeFreest
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